



## City of Red Oak

### Minutes - Final City Council Regular Meeting

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Tuesday, October 10, 2017

7:00 PM

Red Oak Municipal Center  
200 Lakeview Parkway

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A Regular Meeting of the Red Oak City Council was held on Tuesday, October 10, 2017, at 7:00 p.m., in the Council Chambers of the Red Oak Municipal Center, 200 Lakeview Parkway, Red Oak, Texas, with the following members present, to wit:

#### **City Council (6):**

Mayor Alan Hugley  
Councilmember William Drake  
Councilmember Tim Lightfoot\*  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

\*NOTE: Councilmember Lightfoot arrived at 7:22 p.m.

**CALL TO ORDER:** Mayor Hugley called the meeting to order at 7:00 p.m., declared a quorum and announced that notices were legally posted pursuant to the Open Meetings Act.

**INVOCATION AND PLEDGE OF ALLEGIANCE:** Mayor Hugley gave the Invocation and led the Pledge of Allegiance.

#### **PRESENTATIONS:**

- Proclamation – “Pink Out Day”

Mayor Hugley recognized the Red Oak Fire Department for supporting Breast Cancer Awareness Month. Fire Chief Thompson stated that every October is Breast Cancer Awareness Month and the ROFR always produces a pink shirt in support of the cause. We do all we can to provide awareness to the City and also to raise money. It’s a tradition in the fire service.

- Proclamation – Fire Prevention Month

Mayor Hugley stated that it is also Fire Prevention Week, October 8-14. Deputy Fire Chief Blanton was present to accept the proclamation.

#### **CONSENT AGENDA:**

1. Consider approving the following Minutes:
  - September 11, 2017 – Regular Council Meeting
  - September 18, 2017 – Public Hearing & Special Called Meeting
  - September 19, 2017 – Public Hearing & Special Called MeetingApproved on the Consent Agenda
2. Consider approval of Ordinance No. 17-045 amending Ordinance No. 16-026, amending the Fiscal Year 2016-2017 Official Budget; appropriating funds to increase revenue from Insurance Proceeds within the General Fund 115 as per attached Exhibit A; appropriating funds to increase expenditures in the General Fund 115, as per attached Exhibit A; providing that expenditures for said Fiscal Year be made in accordance with said amended budget; providing a severability clause; and providing an effective date.

**Approved**  
**Enactment No: ORD 17-045**

3. Consider adoption of Resolution No. 17-065R amending Resolution No. 17-003R, a Written Investment Policy, designating investment officers; and providing for an effective date.  
**Adopted**  
**Enactment No: RES 17-065R**
4. Consider adoption of Resolution No. 17-066R approving updated and new Treasury Management Services Agreements with Prosperity Bank and authorizing signers to execute documents.  
**Pulled from Consent Agenda; no action.**
5. Consider adoption of Resolution No. 17-067R authorizing approval of a Funding Agreement with the Red Oak Area Chamber of Commerce in the amount of eight thousand dollars (\$8,000.00) in support of events benefiting the business community and the citizens of the City of Red Oak; authorizing the City Manager to execute; following review by the City Attorney; repealing all resolutions in conflict; providing a severability clause; and, providing an effective date.  
**Adopted**  
**Enactment No: RES 17-067R**
6. Consider adoption of Resolution No. 17-068R approving the terms and conditions of an Interlocal Cooperation Agreement by and between The City of Red Oak, Texas, and Ellis County, Texas, for roadway repairs and maintenance; authorizing the City Manager to sign; and, providing an effective date.  
**Adopted**  
**Enactment No: RES 17-068R**
7. Consider adoption of Resolution No. 17-069R approving the purchase of one 2018 Chevrolet Tahoe for the Fire Department and authorizing the City Manager to execute necessary documents for such vehicle in an amount not to exceed \$40,000 as provided in the formal quote, which is attached hereto and incorporated herein as Exhibit "A"; and providing an effective date.  
**Adopted**  
**Enactment No: RES 17-069R**

**Mayor Hugley pulled Agenda Item No. 4 from the Consent Agenda due to the need to amend the item with new information received before Council can act on it. Mayor Hugley then read the Consent Agenda.**

**Councilmember Wilson made the motion, seconded by Councilmember Drake, to approve the Consent Agenda as published with the exception of Agenda Item No. 4. The motion carried unanimously.**

**Ayes (4):** Councilmember William Drake  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

#### **CITIZENS COMMENTS:**

**No one spoke.**

#### **COUNCIL BUSINESS – REGULAR SESSION:**

8. Consider approval of Ordinance No. 17-046 providing for the voluntary annexation into the City of Red Oak territory generally described as being 82.684 acres, more or less, out of the A. M. Lavender Survey, Abstract No. 630, Parcel No. 186862 and Parcel No. 230931 situated in Ellis County, Texas, granting to all inhabitants and owners of said property all of the rights and privileges

of other citizens and binding all inhabitants by all the ordinances, acts, resolutions, and regulations of said city; providing for a service plan, which is attached hereto and incorporated herein by reference; providing a severability clause; and providing for the effective date of said ordinance.

**Mayor Hugley briefly explained Agenda Item Nos. 8 and 9 and asked City Manager Fuller to fully describe Agenda Item No. 8.**

**City Manager Fuller gave a detailed explanation of this agenda item.**

**Councilmember Wilson made the motion, seconded by Councilmember Drake, to approve Ordinance No. 17-046 as read. The motion carried unanimously.**

**Ayes (4):** Councilmember William Drake  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Approved**

**Enactment No: ORD 17-046**

9. Consider approval of Ordinance No. 17-047 providing for the voluntary annexation into the City of Red Oak territory generally described as being 68.74 acres, more or less, out of the R. A. Lemmans Survey, Abstract No. 628, Parcel No. 148132 situated in Ellis County, Texas, granting to all inhabitants and owners of said property all of the rights and privileges of other citizens and binding all inhabitants by all the ordinances, acts, resolutions, and regulations of said city; providing for a service plan, which is attached hereto and incorporated herein by reference; providing a severability clause; and providing for the effective date of said ordinance.

**Mayor Hugley briefly explained Agenda Item Nos. 8 and 9 and asked City Manager Fuller to fully describe Agenda Item No. 9.**

**City Manager Fuller gave a detailed explanation of this agenda item.**

**Councilmember Lindsey made the motion, seconded by Mayor Pro Tem Toney, to approve Ordinance No. 17-047 as read. The motion carried unanimously.**

**Ayes (4):** Councilmember William Drake  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Approved**

**Enactment No: ORD 17-047R**

10. Conduct a Public Hearing and consider approval of Ordinance No. 17-048 approving a zoning change from Agriculture (AG) to Planned Development 84 (PD-84) to allow for the development of a single-family subdivision, the proposed Crystal Lake, 67 lots and 3 open space lots (HOA) for approximately 87 acres, R. A. Lemmans Survey, A-628, ETJ of the City of Red Oak, Ellis County, Texas, located north of Ovilla Rd. and west of Mabry Lane, requested by Harlan Properties, Inc.

**City Manager Fuller gave a detailed explanation of this agenda item.**

**Mayor Hugley opened the Public Hearing at 7:25 p.m. No one spoke.**

**Councilmember Wilson made the motion, seconded by Councilmember Drake, to close the Public Hearing at 7:26 p.m. The motion carried unanimously.**

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey

Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

Mayor Hugley stated that Councilmember Lightfoot arrived during the reading of this agenda item.

There was no discussion among Council regarding this agenda item.

Councilmember Wilson moved the motion, seconded by Councilmember Drake, to approve Ordinance No. 17-048 with the exception that the development plan will require future approval. The motion carried unanimously.

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Approved**  
**Enactment No: ORD 17-048**

11. Conduct a Public Hearing and consider approval of Ordinance No. 17-049 approving a zoning change from Agriculture (AG) to Planned Development 85 (PD-85) to allow for the development of a single-family subdivision, the proposed Cole Manor, 71 SFR lots, approximately 83 acres, A.M. Lavender Survey, A-630, ETJ of the City of Red Oak, Ellis County, Texas, located south of Ovilla Rd. and west of Cole Rd., requested by Countryview of Red Oak, LLC.

Mayor Hugley briefly explained that Agenda Item No. 11 is in regard to the earlier tract. We have both the proposed zoning and the preliminary plat to review. City Manager Fuller gave a detailed explanation of this agenda item.

Mayor Hugley opened the Public Hearing at 7:34 p.m.

Casey Hargrove of 213 Rose Garden Way, Red Oak, Texas, spoke and gave a detailed explanation of the development plans for this property. He stated that he would answer any questions from Council.

Mark Sampson of 233 Cobblestone, Red Oak, Texas, spoke and asked when the development would begin breaking ground, when the first houses would be built, etc. He stated that he lives directly behind the development project and his neighborhood has some concerns about different things.

Councilmember Lightfoot made the motion, seconded by Councilmember Drake, to close the Public Hearing at 7:39 p.m. The motion carried unanimously.

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

Hargrove addressed Sampson's concerns about the development project. City Manager Fuller added a brief explanation as well.

Mayor Hugley, City Manager Fuller and Council further discussed the agenda item amongst themselves.

**Councilmember Lindsey made the motion, seconded by Councilmember Lightfoot, to approve Ordinance No. 17-049. The motion carried unanimously.**

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**Approved**  
**Enactment No: ORD 17-049**

- 12.** Consideration of approving Preliminary Plat for Cole Manor, 71 SFR lots, approximately 83 acres, A. M. Lavender Survey, A-630, ETJ of the City of Red Oak, Ellis County, Texas, requested by Countryview of Red Oak, LLC.

**City Manager Fuller spoke and gave a brief explanation of Agenda Item No. 12.**

**Councilmember Wilson made the motion, seconded by Councilmember Drake, to approve the Preliminary Plat for Cole Manor. The motion carried unanimously.**

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

- 13.** Conduct a Public Hearing and consider approval of Ordinance No. 17-050 approving a zoning change from Agriculture (AG) to Planned Development 86 (PD-86) to allow for the development of a 24-lot single-family subdivision, approximately 6.8 acres, City of Red Oak, Ellis County, Texas, located east of SH 342 and north of Pierce Rd, requested by Johnny Nguyen.

**Mayor Hugley briefly explained that Agenda Item Nos. 13 & 14 are in regard to a third development. City Manager Fuller gave a brief explanation and explained the preliminary plat in Agenda Item No. 14.**

**Mayor Hugley opened the Public Hearing at 7:51 p.m. No one spoke.**

**Councilmember Wilson made the motion, seconded by Councilmember Lightfoot, to close the Public Hearing at 7:52 p.m. The motion carried unanimously.**

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**City Manager Fuller read into the record mail-in letters from citizens:**

**Cindy Jenkins, 124 Dunn Street, Red Oak, wrote in stating she was against the development.**

**Stewart Powers, 205 E. Pierce Road, Red Oak, wrote in stating he was neither for nor against the development. His concern is drainage. He wants to know what will be done with the increased amount of water run-off that streets and houses will cause. Fuller summarized Powers letter stating that he is concerned about run-off water. Fuller explained that this concern would be addressed by the civil engineering portion of the project as opposed to the development and preliminary plats, and this will be communicated to Powers.**

**Mayor Hugley, City Manager Fuller and Council further discussed the agenda item amongst themselves.**

**Councilmember Lightfoot made the motion, seconded by Councilmember Toney, to approve Ordinance No. 17-050. The motion carried unanimously.**

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**14. Consideration of approving a Preliminary Plat for JTMN Prestigious Homes subdivision, 24 SFR lots, approximately 6.8 acres, City of Red Oak, Ellis County, Texas, requested by Johnny Nguyen.**

**Mayor Hugley asked if anyone had any comments on the Preliminary Plat for Agenda Item No. 14. No one had any comments.**

**City Manager Fuller read the motion to approve the Preliminary Plat for JTMN Prestigious Homes subdivision, being 24 single-family lots on approximately 6.8 acres. Councilmember Lightfoot moved the motion, seconded by Councilmember Drake. The motion carried unanimously.**

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

## **DEPARTMENTAL REPORTS:**

**18. The City Council may deliberate and make inquiry into any item listed in the Departmental Reports.**

- A. Fire Department
  - September Monthly Activity Report
- B. Police Department
  - September Monthly Report
- C. Community Development
  - September Code Services Report
  - September Building Permit and Inspections Report
  - September Animal Control Report
- D. Public Works Department
  - September Operational Report
  - September Administrative Monthly Report
- E. Human Resources
  - September Administrative Monthly Report
- F. Finance Department
  - Finance Report
  - Cash Balance Report
  - Financial Statement
- G. IT Department
  - Major Accomplishments
  - Current Initiatives
  - Challenges
- H. Library
  - YTD Statistics

- Monthly Newsletter
  - Legacy Data
- I. Court
- September Statistical Highlights

All departmental reports were submitted to Council and addressed individually as needed. Significant updates given included:

Fire Chief Thompson informed Council that last month, the ROFR had firefighters down in south Texas, but that they are all home now. They are now in the middle of the reimbursement process. He thanked City Management and Council for allowing the ROFR to go down and participate for Hurricane Harvey efforts. After October 1, there will be three new battalion chiefs so that each shift will have a battalion chief assigned. The battalion chiefs are Casey Green, Brandon Nichols and Andrew Jakubik. Thompson announced they are 100 percent on the new radio system. Mayor thanked the ROFR crew for going down to south Texas and acknowledged Chief Thompson and the rest of the leadership for backing them up. Councilmember Lindsey thanked Chief Thompson for his work on the ISO and how much that saves the citizens of Red Oak.

Police Chief Garland stated there has been a lot of great work going on in the PD the last couple of months. CID has been able to clear some significant, high-priority crimes; several robberies, including a bank robbery. He commended CID and the cooperation of other agencies in allowing them to clear all of our robberies for this year. Wolf updated the status of the police officer testing last week. The PD had 68 applicants – the most they’ve ever had. Out of that, there are high number of certified candidates. He thanked Council for the efforts they’ve made in order to make Red Oak competitive. Both Mayor Hugley and City Manager Fuller thanked Chief Wolf and Joane Muhammad for all they do.

Code / Community Development Director Silva-Reyes provided updates on the Ovilla Corner property, where the Chick-fil-A development project will be.

Public Works Director Silva-Reyes updated Council on the upcoming Fall Festival to take place on Saturday, October 28<sup>th</sup>, at Watkins Park. He invited Council to attend.

IT Director Binford stated he has been conducting interviews for the IT Application Specialist.

Library Director Ragsdale was attending the National Night Out event at the Police Department.

**CLOSED SESSION:**

15. Pursuant to the Texas Government Code, Section §551.087 – **Deliberations Regarding Economic Development Negotiations.**

- A. Discuss or deliberate regarding commercial or financial information from a business prospect that seeks to locate, stay or expand in the City of Red Oak.
- B. Discuss or deliberate the offer of a financial or other incentive, if any, with such business prospect.

16. Pursuant to the Texas Government Code, Section §551.071 – **To Seek Legal Advice from the City Attorney regarding the Public Works contract for a Water Line (Daubitz Rd. Project).**

Mayor Hugley read Agenda Item Nos. 15 and 16 for Closed Session. He invited Assistant City Manager Lawrence and Code/Community Development Director Silva-Reyes, and moved Council into Closed Session at 8:06 p.m.

**REGULAR SESSION:**

17. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Council reconvened into Regular Session at 8:18 p.m. No action taken for Agenda Item No. 15. See below for action taken on Agenda Item No. 16.

City Attorney Allen made the motion to approve Change Order #1 with Circle H for the Daubitz Road Waterline Project for 50 percent of increased pipe material cost, not to exceed total increased pipe cost of \$60,000.00. Councilmember Lightfoot moved the motion, seconded by Councilmember Lindsey. The motion carried unanimously.

**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson


**ADJOURNMENT:**

Councilmember Drake made the motion, seconded by Councilmember Wilson, to adjourn the meeting at 8:17 p.m. The motion carried unanimously.

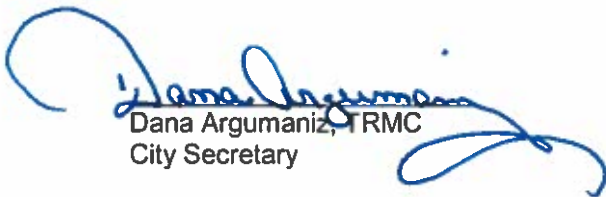
**Ayes (5):** Councilmember William Drake  
Councilmember Tim Lightfoot  
Councilmember Scott Lindsey  
Mayor Pro Tem Gordon Toney  
Councilmember Ron Wilson

**PASSED AND APPROVED** by the Red Oak City Council at a Regular Meeting held on November 13, 2017.

Approved:

  
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Alan Hugley, Mayor

Attest:

  
Dana Argumaniz, TRMC  
City Secretary

